

R E M A R K S

Claims 1-5 have been withdrawn while claims 6-15 have been cancelled. Therefore, claim 16 is pending. Claim 16 has been amended to more specifically recite the claimed method.

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being anticipated over U.S. Patent 5,695,643 to Brandt et al.

The Office Action had indicated that the preamble reciting that the method produces USP or water for injection purified was not given patentable weight because it did not breathe life into the claim. While this conclusion is strongly disagreed with, similar language has now been added to the body of claim 16 and therefore, "step (e)" must be considered and given patentable weight.

Brandt discloses a water processing system for concentrating brine, or salt water, whereas the present system is concerned with providing water that meets United States Pharmacopoeia (USP) quality water and USP quality Water For Injection (WFI). The resulting end product of Brandt absolutely would not qualify as USP quality water or WFI. This distinction is most plainly seen by the fact that USP quality water may be used as part of injection treatments received by patients in a hospital. Obviously, the concentrated brine that is produced in Brandt's process would not be suitable for this purpose. Brandt even states that "the chemical composition of the typical brine makes it unfit for human consumption or for irrigation purposes." Col. 1, l. 29-31.

Furthermore, Brandt fails to disclose one or more aspects recited in claim 16 as amended. Specifically, claim 16 has been amended to recite a further step, "step (e)" which recites "flowing the distilled filtrate to produce USP or water for injection quality purified water." Brandt completely fails to disclose or suggest this step. As described above, Brandt produces a concentrated brine stream that is not suitable for humans or for irrigation for plants, let alone meeting the stringent requirements of USP or water for injection quality purified water. Therefore, as Brandt fails to disclose one or more aspects recited in independent claim 16 as amended, the rejection should be withdrawn and the claim allowed.

In view of the foregoing, Applicant respectfully requests reconsideration of the rejection of claim 16 and allowance of the case.

Respectfully submitted,

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May 2, 2005

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